



# House of Representatives

General Assembly

**File No. 74**

February Session, 2016

Substitute House Bill No. 5453

*House of Representatives, March 21, 2016*

The Committee on Public Health reported through REP. RITTER of the 1st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING SMOKING IN MOTOR VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) As used in this  
2 section: (1) "Smoke" or "smoking" means the lighting or carrying of a  
3 lighted cigarette, cigar, pipe or similar device; and (2) "minor" means  
4 an individual who is under eighteen years of age.

5 (b) No person shall smoke in a motor vehicle, as defined in section  
6 14-1 of the general statutes, when a minor is present in such vehicle.

7 (c) Prior to October 1, 2017, any person who violates any provision  
8 of subsection (b) of this section shall be issued a verbal warning for  
9 such violation. On and after October 1, 2017, any person who violates  
10 any provision of subsection (b) of this section shall have committed an  
11 infraction.

12 (d) Smoking in a motor vehicle in violation of this section shall not  
13 constitute probable cause for a law enforcement official to conduct a

- 14 search of such vehicle and its contents.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>October 1, 2016</i>	New section
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**PH**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note****State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 17 \$</b>	<b>FY 18 \$</b>
Resources of the General Fund	GF - Potential Revenue Gain	None	Less than \$1,000

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill creates a new offense of smoking in a vehicle when a minor is in the vehicle and makes violation of this offense an infraction, subject to a fine of approximately \$100. At this time it is not known the number of drivers who will be charged with this offense. However, Maine implemented this law in 2008 and has reported less than 10 citations annually for the offense.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis**

**sHB 5453**

***AN ACT CONCERNING SMOKING IN MOTOR VEHICLES.***

**SUMMARY:**

This bill prohibits a person from lighting or carrying a lighted cigarette, cigar, pipe, or similar device in a motor vehicle when a minor is present.

Prior to October 1, 2017, violators receive a verbal warning. Starting October 1, 2017, violators commit an infraction. The bill specifies that a violation does not constitute probable cause for a law enforcement official to search the vehicle and its contents.

EFFECTIVE DATE: October 1, 2016

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 20 Nay 6 (03/07/2016)